

Council Chambers, Municipal Building, Baraboo, Wisconsin
Tuesday, August 13, 2019 – 7:00 p.m.

Mayor Palm called the regular meeting of Council to order.

Roll call was taken.

Council Members Present: Wedekind, Kolb, Plautz, Sloan, Petty, Ellington, Alt, Thurow

Council Members Absent: Kierzek

Others Present: Chief Schauf, Clerk Zeman, Adm. Geick, Atty. Truman, T. Pinion, C. Haggard, K. Stieve, M. Hardy, J. Bergin, T. Gilman, members of the press and others.

The Pledge of Allegiance was given.

Moved by Alt, seconded by Ellington and carried to approve the minutes of July 23, 2019.

Mayor Palm noted that the agenda has been amended to remove NBR-4. Moved by Wedekind, seconded by Ellington to approve the amended agenda. Motion carried unanimously.

Compliance with the Open Meeting Law was noted.

PRESENTATIONS *(None Scheduled)*

PUBLIC HEARINGS *(None Scheduled)*

PUBLIC INVITED TO SPEAK

Kilton Holmes, 126 1st Street, Apt #3 Baraboo is in favor of the Library expansion in 2021; however, he did not wish to speak.

Dr. Tony Kujawa, 101 11th Street, Baraboo, wants to remind the Council of the directives that were given to the Library Board of trustees over two years ago: develop a strategic plan, a design, and budget needs. All of the above have been accomplished. The library board has been working diligently towards project completion. They have contributed \$1.5M towards the project, \$175,000 towards the initial architectural fees, and a total of \$345,000 to purchase property. The Library Board is ready to move forward with the project. As an individual, his values are trust and credibility. He hopes that the Council shares these values and he is confident that the library should be moved to 2021.

Doug Mering, 1605 Keith Street, Baraboo, is in favor of the Library expansion in 2021. The current library is over 4,000 sq ft deficient in space. In 2004 a Needs Assessment was completed and indicated that the library will need 11,500 sq. ft. of additional space to meet the protected needs over the plan period. Their needs have grown significantly since this report was published in 2005 with library programs offered tripling over the last 10 years. We have a business committee that wants us to move ahead on the library expansion. We have long overdue improvements that they have noted in their 2014 BEDC planning document. The Baraboo area is a business and family friendly community with a thriving and diverse economy. It clearly communicates its value to current, potential residents, visitors, and businesses. The library expansion supports community partnership and equity.

Keri Olson, 1720 Elizabeth St #4, Baraboo, is in favor of the Library expansion for 2021. The Library's board of trustees and staff have spent countless hours and thousands of dollars from their own funds to complete the steps as requested by the City to include a design on what the expansion would look like and establish an expansion budget. She feels that while they were spending this time and funds fulfilling these requests, the City inexplicably moved the library to 2028 on the Capital allocation calendar. She understands that while there will always be worthy projects seeking the Council's attention, the library has waited for years consistently falling behind other priorities. The

library is ready to proceed with its site, architectural drawings, construction budget, and strategic plan in place. It's obvious the community loudly supports the library's expansion in 2021 and she requests that it be moved back to its original position in 2021. She asks that the City offer its greatest amount of financial support to this project possible. Now is the time to get loud for the library, loud with support, loud with advocacy, but most importantly loud with action that will make the Baraboo Public Library the next major capital public project for the City of Baraboo.

Pamela Roland, 875 Iroquois Circle, Baraboo is in favor of the Library expansion for 2021. She feels everyone is in agreement that the space available at the library is no longer adequate to support the community and offer the services and resources that we all need. The public has expressed widespread support for the expansion. The cost of construction is expected to increase 4% per year, added to the cost of maintaining the current library, the cost of pushing the expansion to 2028 would increase the estimated project costs by over \$4M dollars. Based on a 2008 report, the economic return to tax payers is \$4.06 per \$1.00 of tax payer support. This return per dollar of tax payer funds come back to tax payers in the form of the value of the library services and the direct economic contribution of the public library to the state economy. With these facts, and the many others that have been presented to the Council, along with the outcry of support shown by the citizens of Baraboo indicate the value of moving ahead with the library expansion in 2021.

Rob Nelson, 318 Remington Street, Baraboo is interested in favor of the Library expansion for 2021. As the City moves from the goal planning stage he would like to reiterate his support as a downtown business owner for the public library renovation and expansion as soon as possible. Based on the data that has been presented tonight and at previous meetings, concerning the social, economic, and educational benefits that we are going to see downtown and throughout the city as a whole.

MAYOR'S BUSINESS

- The Mayor congratulated Police Chief, Mark Schauf on his 20th Anniversary with the City of Baraboo. Congratulations Mark!

CONSENT AGENDA

Resolution No. 19-59

THAT the Accounts Payable, in the amount of \$1,222,368.17 as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

Resolution No. 19-60

THAT the City Clerk be authorized to issue the following Liquor Licenses:

- Devil's Lake Bistro, Blass "B" Fermented Malt Beverage & "Class C" Wine
- Al. Ringling Brewing Co., Reserve "Class B" Liquor & Class "B" Fermented Malt Beverage
- Kwik Trip #657, Change of Agent to Jacob Goeke
- Baraboo Young Professionals, Picnic License for 9-20-2019 and 12-20-2019, "Baraboo Night Market"

Resolution No. 19-61

THAT the City Clerk be authorized to issue the following Operator's Licenses:

- Elizabeth Williams, United Cooperative (NEW)
- Kathleen Cummings, Balanced Rock Winery (NEW)

Resolution No. 19-62

Resolved, by the Common Council of the City of Baraboo, confirms the Mayor's appointments as follows:

THAT, Laura Walczak be appointed to the Baraboo Economic Development Commission (BEDC) serving until February 28, 2022.

THAT, Lori Mueller be appointed to the Baraboo Economic Development Commission (BEDC) to fill the unexpired term of Greg Manson, serving until February 28, 2022.

THAT, Paul Kelly be appointed to Police & Fire Commission (PFC) to fill the unexpired term of J. Merle Alt, serving until April 30, 2020.

Moved by Petty, seconded by Sloan and carried that the Consent Agenda be approved-8 ayes.

NEW BUSINESS – RESOLUTIONS**Resolution No. 19-63**

That the Common Council of the City of Baraboo, Sauk County, Wisconsin, does hereby ratify and affirm the Baraboo-Wisconsin Dells Regional Airport Commission's petition for state airport development aid dated August 2, 2019.

Moved by Sloan, seconded by Ellington and carried that **Resolution No. 19-63** be approved-8 ayes.

Resolution No. 19-64

The Common Council hereby adopts the updated Employee Personnel Policy & Procedure Handbook, as attached to this Resolution, which is to be effective on the date of the passage of this Resolution.

Moved by Sloan, seconded by Wedekind and carried that **Resolution No. 19-64** be approved-8 ayes.

Resolution No. 19-65

THAT the City Finance Director in conjunction with City Treasurer is hereby authorized to transfer \$17,000.00 from the City's monies in the Fire Equipment Replacement Fund to the Police Department Capital Equipment Fund for the transfer of 2014 Ford F-150 pickup truck from the Police Department to the Fire Department, and

THAT the Fire and Police Chiefs work together to ensure the transfer of the truck from the Police Department to the Fire Department, including any emergency equipment currently installed on/in the truck, and the squad car from the Fire Department to the Police Department.

Moved by Sloan, seconded by Petty and carried that **Resolution No. 19-65** be approved-8 ayes.

Resolution No. 19-66

To authorize the Mayor, City Clerk and City Administrator to sign the contract with WPPA for the term of January 1, 2020 through December 31, 2022.

Moved by Wedekind, seconded by Kolb and carried that **Resolution No. 19-66** be approved-8 ayes.

NEW BUSINESS – ORDINANCES

Moved by Kolb, seconded by Ellington and carried unanimously to approve the 1st reading of **Ordinance No. 2527** amending Section 9.08(2) of the Baraboo Municipal Code as follows:

(2) **ANIMAL WASTE REGULATED.** No person having in his/her possession or under his/her control any dog, cat, or other animal shall allow the same to defecate off the premises of its owner or keeper and upon any public property or upon any private property without the permission of the owner of the property. In the event the animal defecates on another's land or on any public property, the owner or person in control of the animal shall immediately remove and dispose of the feces in a sanitary manner. (2092 09/10/02)

Moved by Wedekind, seconded by Petty and carried unanimously to approve the 1st reading of **Ordinance No. 2528** amending Section 11.08 of the Baraboo Municipal Code regulating illegal dumping.

- (1) **PURPOSE AND INTENT.** Illegal dumping can harm the environment and negatively affect neighborhood aesthetics. Dumped items can also pose health and safety hazards to people and wildlife, lower property values, and result in taxpayer dollars being spent on enforcement and cleanup. Illegal dumping differs from littering based on the volume and type of waste that is discarded.
- (2) **DEFINITIONS.** As used in this section, the following words shall have the following meanings:
 - (a) **“Dump”** means to discard (i) more than one cubic foot in volume of litter at one time and/or (ii) furniture, appliances, yard waste and brush, electronics, vehicle components and other similar materials. Material placed at a location with an intent to leave it indefinitely, or material which has not been removed from a location within twenty-four hours, is deemed discarded.
- (2) **ILLEGAL DUMPING PROHIBITED.** It shall be illegal for any person to dump any material in the City on either private or public land except when (i) such land is designated by the City for dumping or is a facility licensed for such purpose, (ii) such person is authorized to use such designated property or licensed facility, and (iii) such person uses such property or facility according to the rules and regulations of said property or facility.
- (3) **PENALTY.** Any person who shall violate any provision of this section or who shall permit or allow a violation of this section, shall be subject to a penalty as provided for in §25.04 of this Code.
- (3) **COST OF REMOVAL.** In addition to any other penalty imposed by this Code for illegal dumping, the cost of cleaning up any item that has been illegal dumped by the City shall be collected as a debt from the person causing the illegal dumping. If the charge is not paid within 30 days of the date of billing, an additional administrative collection charge of 10 percent of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1 percent per month until paid.

PROPOSED NEW ORDINANCE REGULATING THE YARD WASTE AND COMPOST TRANSFER SITE**11.08(M) YARD WASTE AND COMPOST TRANSFER SITE.**

- (1) **PURPOSE AND INTENT.** The City recognizes that there is a benefit to the community by having and maintaining a publicly owned facility where City residents can dispose of yard waste and brush for free, which the City can then process into

compost and mulch. To accomplish this, the City owns and maintains a Yard Waste and Compost Transfer Site where City residents can dispose of their brush and yard waste originating from their residential property, and where anyone, residents and non-residents alike, can obtain brush, yard waste, wood chips and wood free of charge.

(2) **DEFINITIONS.** As used in this section, the following words and terms shall have the following meanings:

- (a) **“Brush”** means organic woody material trimmed from trees, shrubs or bushes, but does not include tree stumps or pieces that are greater than 8’ long or 8” in diameter originating from a resident’s property.
- (b) **“Person”** means an individual and not a business, company, corporation or other legal entity or person acting on behalf of a business, company, corporation or other legal entity.
- (c) **“Property”** means an owned or leased residential property located within the City of Baraboo.
- (d) **“Resident”** means a person permanently residing in the City of Baraboo.
- (e) **“Yard Waste”** means organic material such as leaves, weeds, garden trimmings, plant debris, twigs less than 18" long, pumpkins, crab apples, pinecones, etc., originating from a resident’s property.
- (f) **“Yard Waste and Compost Transfer Site” or “Site”** means property owned by the City of Baraboo located at 407 Briar Street.

(3) **YARD WASTE AND COMPOST SITE REGULATIONS.**

- (a) Residents may dispose of any amount of yard waste and brush at the Site so long as the brush and yard waste originated from the resident’s property. Disposal of any other material by a resident, or any brush or yard waste not originating from the resident’s property, requires the prior written approval of the Director of Public Works or designee.
- (b) Non-residents, business, companies, corporations and other legal entities, and all persons acting on behalf of non-residents, businesses, companies, corporations or other legal entities, are prohibited from disposing any material at the Site, including brush and yard waste, without the prior written approval from the Director of Public Works or designee.
- (c) All material deposited at the Site must be deposited in the areas so designated.
- (d) Any person, including non-residents, contractors and corporations, may access the Site in order to take any amount of brush, yard waste, wood chips or wood that is at the Site; however, screened compost and topsoil material is reserved for residents unless prior written approval from the Director of Public Works or designee is obtained.
- (e) Use of the Site is limited to the uses described herein; any other use is prohibited.
- (f) Users of the Site strictly warrant and affirm that the user indemnifies and holds the City harmless from and against any claims or other legal action arising from their use of the Site, in whatever form that use may occur, and includes the use of any materials taken from the Site. The City does not guarantee the availability of any materials at the Site.

**PROPOSED AMENDMENTS TO SECTION 25.10 - BOND SCHEDULE FOR
ORDINANCE VIOLATIONS**

- (3)(h) Chapter 11 - Health and Sanitation - Violations: Standard bond amount, except as

follows:

1. Solid waste and recyclable violation contrary to §11.07: First violation - \$50.00; Second violation within one year, as defined by §11.04(f) - \$100.00; Third violation within one year, as defined by §11.04(f) - \$500.00.
2. Illegal Dumping contrary to §11.08: First violation - \$100; Second violation within one year, as defined by §11.04(f) - \$250; Third and subsequent violations within one year, as defined by §11.04(f) - \$500

COMMITTEE OF THE WHOLE

Moved by Kolb, seconded by Ellington to convene as a Committee of the Whole to discuss the Council goals & priorities

a) **City Administrator Memo, Summary & Goals**

Adm. Geick presented a list of the top 10 goals that were ranked by both Council and Department Heads. The library expansion and the Fire/EMS building were both included in this list; however, streets ranked #1 by both Council and Department Heads.

In regard to the two buildings that have been under discussion, based on the recommendations by the Finance Committee last year, he noted that it was recommended that we look at other options than putting money into the current fire station building at 135 4th Street. These recommendations were brought to Council last year and the CIP was changed.

Looking at what Ehler's has given us, they recommend a refunding bond issue coming up. Adm. Geick recommends that we have Ehler's do a financial study based on the refunding issue. Decisions were made to fund the Fire/EMS building with the USDA loans rather than using a standard bond issue. Based on the results of the financial study, more than likely we will see the library project moved up as well as being able to finish the Fire/EMS project by 2021.

Ald. Kolb questioned setting aside additional money for the study of the conversion of the building to Fire/EMS. Adm. Geick noted that the impact fees have been set aside in the budget for this project and as of August last year, the capital improvement plan was changed by Finance and Council to include this goal.

Ald. Ellington plans to meet with department heads for an explanation as to why they rated the other goals higher than the library expansion.

Ald. Kolb noted that the citizens here tonight and the previous meeting have made a compelling argument for moving the library up and he is pleased to hear that Adm. Geick thinks we can do both. He supports moving the library expansion up.

Mayor Palm noted that we can't lose site of the goal setting that we do yearly is for the upcoming budget, 2020. For the past 8 or 9 years our audits have come back very well; we run a good yearly budget, we stick to it, and we are commended every year by the auditors that we have very good financial status. We need to keep this in mind while we move forward. It sounds like there might be the ability to take both projects on but he's not ready to say that until we hear

the comments from Ehler's.

Ald. Plautz questioned how the library expansion would fit into the 2020 budget.

Mayor Palm explained that we will have a better answer to this question once we hear back from Ehler's.

Ald. Sloan state that what we have to keep in mind is that every year, #1 across the board, has been roads and streets. We are talking about \$20M for the Fire Station and the Library while the roads and streets fall apart. Everyone uses the roads and streets and without them there is no economic development. Mayor Palm noted that one thing we are looking at is increasing our annual contribution and also has to be factored in. Ald Sloan reminded the Council that nobody wanted to pay \$10 per car to increase the budget for our roads but here we are asking for \$30/\$40 per person for each building? He doubts the residents will want to pay this.

Ald. Petty notes there are a lot of things we would like to accomplish but there is only so much money in the budget to do it. Once we have the financial study from Ehler's we will have a much better idea of what we can and can't do.

Adm. Geick asked if the Council would like anything changed on the list of goals. Ald. Sloan and Ald. Petty request that streets be moved up on this list. With a request from Ald. Sloan, the list was also adjusted to list the old hospital as grants allow. Ald. Petty also noted that there will need to be some consolidation between the Fire and EMS. Mayor Palm noted that with the increased use of the Baraboo River, River Rescue is included on the list of goals.

b) Swimming Pool Memo with site options

M. Hardy explained that MSA has completed the preliminary draft site study. The Parks Commission recommends that a second public input session before they make a recommendation to the Council. The Parks Commission generally favored the expansion and renovation option which allows for some improvements to the existing facility and a splash pad. Because this option does include some possible property acquisition, it is eligible for grant funding. The other option for a splash pad might be a different location within the City.

Moved by Ellington, seconded by Sloan to reconvene into regular session.

ADMINISTRATOR AND COUNCIL COMMENTS (None)

REPORTS, PETITIONS, AND CORRESPONDENCE

The City officially acknowledges receipt and distribution of the following:

- **Reports:** July 2019 Building Inspection
- **Minutes from the Following Meetings**

Others Present: Mayor Palm, Adm. Geick, E. Truman, B. Zeman, Troy Snow

Call to Order –Ald. Petty called the meeting to order at 6:15 p.m. noting compliance with the Open Meeting Law. Moved by Sloan, seconded by Thurow to approve the minutes of July 9, 2019 and carried unanimously. Moved by Sloan, seconded by Thurow to approve the agenda. Motion carried unanimously.

Action Items

- a) **Accounts Payable** – Moved by Sloan seconded by Thurow to recommend to Council for approval of the accounts payable for **\$387,713.87**. Motion carried unanimously.
- b) **2nd Qtr. Budget Amendments for \$85,434** – The Committee reviewed the 2nd Qtr. budget amendments. Moved by Sloan, seconded by Thurow to recommend to Council for approval. Motion carried unanimously.

Informational Items

- a) City Attorney's report on insurance claims – None.
- b) Baraboo Area District Ambulance Finance Status Report – The City is currently reviewing the finances of the Baraboo District Ambulance. It was noted that only 1 bid was received for their line of credit.
- c) 2nd Qtr. Taxi Financial Statement – Postponed to August 13, 2019 meeting.
- d) 2nd Qtr. Financial Statement – Postponed to August 13, 2019 meeting.

Adjournment – Moved by Sloan, seconded by Thurow and carried to adjourn at 6:26pm.

Board of Review Council Chambers

July 30, 2019

Present: Mayor Palm, T. Kolb, P. Wedekind, D. Thurow, B. Zeman

Absent:

Also Present: Michael Weymier & Marty Kuehn of Tyler Technologies, Atty. Truman, J. Atkinson

Mayor Palm called the meeting to order at 1:00 p.m. noting compliance with the open meeting law.

Select Chairperson:

Moved by Kolb, seconded by Wedekind that Mayor Palm be nominated as Chairperson. The Mayor called for other nominations and none were offered. Motion by Wedekind, seconded by Kolb to close nominations and appoint Mayor Palm as Chairperson. Motion carried unanimously.

Moved by Mayor Palm, seconded by Kolb that Phil Wedekind be nominated as Vice Chair. The Mayor called for other nominations and none were offered. Motion by Kolb, seconded by Mayor Palm to close nominations and appoint Phil Wedekind as Vice Chair. Motion carried unanimously.

Mandatory training: All members have met the mandatory training as follows:

Palm, Kolb, Wedekind, Thurow and Zeman on 05-10-2018 and Atkinson on 04-11-2019.

Clerk Zeman accepted the Assessor's Affidavit in the Assessment Roll and the Assessor executed the affidavit under oath.

Procedures of Operation

Mayor Palm reviewed the procedures for the Board.

Objections Filed

City Clerk Zeman reported that one case had been filed with her office, Baraboo State Bank. She noted that on Friday, July 26th she advised Matt Ryczek at Baraboo State Bank that they were scheduled to appear at Board of Review on July 30th, 2019 at 1:20pm.

Hearings:

Baraboo State Bank, 101 Third Avenue, parcel no. 206 1569-00000

Clerk Zeman read into record a letter received from Matt Ryczek, Baraboo State Bank. Because the assessor for Baraboo State Bank was not available today, they submitted this letter asking the Board of Review to postpone the Board of Review to a different date. Motion made by Kolb, seconded by Wedekind to not allow postponement of the Board of Review. Motion carried unanimously.

Reports

The Mayor reported that the Assessment Roll was open for public inspection on July 8, 2019 in the Clerk's and Assessor's Office, and Public Library. Open book was held on July 11, 2019 by appointment at the Assessor's office. Notice of the Board of Review was posted at the Municipal Building, Library, Civic Center and Council Chambers and published at least 15 days prior to the July 30th meeting.

Reports

Assessor Weymier presented the Annual Assessment Report.

Correction of 2018 Errors:

Assessor Weymier presented information on Correction of Errors for 2018:

Personal Prop Account 206-9165-00000, Independent Order of Odd Fellows, Baraboo Lodge #51, original \$3,300, corrected to \$0.

Personal Prop Account 206-9312-10300, US Bank, original \$700, corrected to \$0.

Personal Prop Account 206-9002-73500, American Lifeline Inc., original \$18,300 corrected to \$0.

Moved by Wedekind, seconded by Kolb and carried unanimously to accept these corrections.

Moved by Kolb, seconded by Wedekind and carried unanimously that the Assessment Roll is approved as amended by the determinations made by this Board of Review and that the Board adjourns at 3:00 p.m.

• **Copies of these meeting minutes are on file in the Clerk's office:**

Plan Commission	07-16-19	Ambulance	10-24-18, 06-26-19
Pink Lady Rail Comm.	04-02-19	CDA	07-02-19

CLOSED SESSION

Moved by Kolb, seconded by Sloan to go into Closed Session as per §19.85 (1)(e), Wis. Stat., for deliberating or negotiating the purchasing or public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reason require a closed session (The City's current agreement with BDAS).

Council Members Present: Wedekind, Kolb, Plautz, Sloan, Petty, Ellington, Alt, Thurow

Council Members Absent: Kierzek

Others Present: Mayor Palm, Chief Schauf, Clerk Zeman, Adm. Geick, Atty. Truman, C. Haggard

OPEN SESSION

Moved by Wedekind, seconded by Kolb and carried on a unanimous roll call vote to return to Open Session as per WI Stats 19.85(2) to address any business that may be the result of deliberations made in Closed Session.

Moved by Sloan, seconded by Ellington to authorize the City Administrator to contract with an accounting firm for agreed upon procedure to verify the financial information for a maximum of \$25,000.

Moved by Kolb, seconded by Wedekind to authorize Ald. Petty to request a special meeting to discuss the financial condition of BDAS and any extenuating circumstances and authorize the City Administrator to be the spokesperson for the City at this meeting. The authorization for Ald. Petty includes his ability to discuss at the meeting the items that were discussed in Closes Session.

ADJOURNMENT

Moved by Ellington, seconded by Wedekind, and carried on voice vote, that the meeting adjourn.

Brenda Zeman, City Clerk